IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9670 OF 2004.

Smt.Jyoti Mukesh Thakkar. ... Petitioner.

V/s.

The State of Maharashtra
and others. ... Respondents.

None for the petitioner.

A.H.Palekar, AGP for respondent Nos.1 to 3.

CORAM: V.C.DAGA, J.

DATED: 1st September 2006.

P.C.:

. None for the petitioner.

. Perused petition.

2. The petition was filed in the month of November, 2004. Thereafter by order dated 15th December, 2004, notice before admission to respondent No.4 was issued by this Court. The petitioner did not pay bhatta charges right up to October, 2005. Thereafter, a conditional order came to be passed on 13th October, 2005. Pursuant to this order, petitioner paid bhatta charges. However, thereafter, the petitioner did not take any step to serve respondent No.4.

3. On the last date of hearing i.e. 24th November, 2005, nobody was present on behalf of the petitioner. In the circumstances, negligence on the part of the petitioner in effecting service on unserved respondent is writ large. Dismissal of the petition of non-appearance serves no purpose. It results in multiplicity of proceedings leading to restoration application. In the circumstances, I went through the petition and the impugned order.

4. Having gone through the impugned order, no case is made out to interfere with the same. The view taken by the Court below is a reasonable and possible view and can be supported on the basis of material available on record.

5. Petition is thus, dismissed in limine with no order as to costs.

(V.C.DAGA, J.)